

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KALIKA BHAGWAT,

Plaintiff.

-against-

QUEENS CARPET MALL, INC. and JAANKIE
TULSIE,

Defendants.
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MEMORANDUM & ORDER

14-cv-5474 (ENV) (PK)

VITALIANO, D.J.

On September 18, 2014, plaintiff Kalika Bhagwat commenced this action, alleging violations of the Fair Labor Standards Act (29 U.S.C. §§ 201 *et seq.*), New York Labor Law (N.Y. Lab. Law §§ 190 *et seq.* and §§ 650 *et seq.*), and 12 N.Y.C.R.R. § 142. ECF Dkt. No. 1. Defendants have not appeared or otherwise responded to the complaint. On June 9, 2016, plaintiff and purported opt-in plaintiff Naresh Persaud filed a motion for default judgment (ECF Dkt. No. 15), which, on August 23, 2016, was referred to Magistrate Judge Peggy Kuo for an assessment of liability, an inquest as to damages, and to make a report and recommendation as to her findings (Aug. 23, 2016 Order). Magistrate Judge Kuo's report and recommendation issued, on March 10, 2017. ECF Dkt. No. 18.

With notice given (*see id.* at 10; ECF Dkt. No. 20), no party has filed an objection to the report and recommendation, and the time to do so has passed. In accordance with the applicable clear-error standard of review, *see Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014), the Court has carefully reviewed the report and recommendation, and finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts it, in its entirety, as the opinion of the Court.

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Conclusion

In line with the foregoing, Magistrate Judge Kuo's report and recommendation, dated March 10, 2017 (ECF Dkt. No. 18), is adopted, in its entirety, as the opinion of the Court.

The motion for default judgment (ECF Dkt. No. 15) is, therefore, denied, in its entirety, without prejudice.

Plaintiff is granted leave to file, no later than April 28, 2017, an amended complaint that includes purported opt-in plaintiff Naresh Persaud as a named plaintiff. If plaintiff intends for the amended complaint that was filed, without prior leave of the Court, on March 16, 2017 (ECF Dkt. No. 19), to serve this purpose, then plaintiff shall re-file it, no later than April 28, 2017. If an amended complaint is filed, then plaintiff shall promptly serve it upon defendants.

Plaintiff is further directed to promptly serve a copy of this Order upon defendants.

So Ordered.

Dated: Brooklyn, New York
April 11, 2017

/s/ USDJ ERIC N. VITALIANO
ERIC N. VITALIANO
United States District Judge